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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Case No. C 08-1207-HRL

Plaintiff,

STIPULATION OF DISMISSAL; ORDER

v.

WITHERS FOOD SERVICE, INC.,
JOHN PAK, JEEHEE PAK and
MEXPORT, INC.,

Defendants.

The parties hereto stipulate as follows:

Defendant, Withers Food Services, Inc. was previously dismissed.

The remaining parties (the Parties) have reached a full and final settlement of all issues in this action. A Settlement Agreement between the Parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The Parties shall comply with their Settlement Agreement, a copy of which is incorporated by reference as

if fully set forth. The parties request the Court to retain jurisdiction for three years from the date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the Parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the Parties to this action, themselves, or through their designated counsel, that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for three years after the date hereof.

Date: October 23, 2008

Date: October 27, 2008

S/John Pak
Individually, and on behalf of
Mexport, Inc.

S/Thomas N. Stewart, III,
Attorney for Plaintiff

Date: October 23, 2008

S/Jeehee Pak
Defendant

IT IS SO ORDERED:

Date: 10/29/08



Judge/Magistrate